

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID TROUPE,

Plaintiff,

v.

EDWARD WOODS, DONALD
MACWILLIAM, NATHANIEL BURT,
ALLISON COMSTOCK, ROBERT
HERZOG, DANIEL CUMMINGS,
ROBERT WARD, AARON
BROMLEY, PATRICK GLEBE,
DONNA SMITH, JAMES
THOMPSON, JOHN DOE 1, DON
GRIFFITH, ERIC WULF, ERIC WIRT,

Defendants.

CASE NO. 3:16-CV-05077-RBL-DWC

ORDER GRANTING MOTION TO
AMEND

Plaintiff David Troupe, proceeding *pro se* and *in forma pauperis*, initiated this action pursuant to 42 U.S.C. § 1983. Presently pending before the Court is Plaintiff's Motion and Request for Leave to Amend Complaint ("Motion") and a proposed Amended Complaint. Dkt. 23, 23-1.

Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure,

1 A party may amend its pleading once as a matter of course within:
2 (A) 21 days after serving it, or
3 (B) if the pleading is one to which a responsive pleading is required,
4 21 days after service of a responsive pleading or 21 days after
5 service of a motion under Rule 12(b), (e), or (f), whichever is
6 earlier.

7 The Motion is Plaintiff's first motion to amend and he has not previously amended his
8 Complaint in this case. Plaintiff filed the Motion after the Complaint and Waiver of Service
9 forms were sent to Defendants. *See* Dkt. 7-20, 23. However, he filed the Motion prior to
10 Defendants' filing of a responsive pleading or motion under Rule 12(b). *See* Dkt. 23, 24, 26.
11 Therefore, Plaintiff has the right to file this proposed Amended Complaint as a matter of course
12 pursuant to Rule 15(a)(1)(B). *See Trudeau v. Direct Marking Concepts, Inc.*, 90 Fed.Appx 486
(9th Cir. 2003) (finding the plaintiff was allowed to amend his complaint as a matter of right
when the motion to amend was filed before the defendant filed a responsive pleading).

13 Accordingly, Plaintiff's Motion (Dkt. 23) is granted.

14 Dated this 26th day of April, 2016.

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16 David W. Christel
17 United States Magistrate Judge
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